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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,470	12/12/2003	Sebastien Kerdales	4717-9100	8821
28765	7590	11/02/2005	EXAMINER	
WINSTON & STRAWN LLP 1700 K STREET, N.W. WASHINGTON, DC 20006			NGUYEN, JIMMY	
			ART UNIT	PAPER NUMBER
			2829	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,470

Applicant(s)

KERDILES ET AL.

Examiner

Jimmy Nguyen

Art Unit

2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 30 is/are pending in the application.
- 4a) Of the above claim(s) 24 - 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 6, 15 - 23 is/are rejected.
- 7) ☒ Claim(s) 7 - 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1203.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restriction

1. Applicant's election of group I claims 1 - 23 in the reply filed on 8/17/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 6, 15 – 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Omi et al (US 6,436,226).

As to claim 1, Omi et al disclose (fig 3) a tool for disuniting two wafers, with at least one of the wafers being used in fabricating substrates for microelectronics, optoelectronics, or optics, the tool comprising two gripper members (108, 109) for temporarily affixing to respective opposite faces of the wafers (101) that are united to each other, and a disuniting control device (110, 11) suitable for moving the members (108, 109) relative to each other, wherein the disuniting control device (110, 111) comprises an actuator device (106, 107) for positively displacing the gripper members (108, 109) sufficiently for inducing controlled flexing in at least one of the members to assist in disuniting the wafers.

As to claim 2, Omi et al disclose (fig 3) the tool according to claim 1, wherein one or each gripper member comprises a diaphragm having a plurality of orifices (112) communicating on one side with a respective wafer face (101) and on the other side with a vacuum source (108a or 109a).

As to claim 3, Omi et al disclose (fig 3) the tool according to claim 2, wherein the orifices are micropores.

As to claim 4, Omi et al disclose (fig 3) the tool according to claim 1, wherein one or each gripper member (108, 109) comprises an electrode which has a different potential compared to that of a respective wafer (101) face so as to provide temporary affixing by electrostatic forces.

As to claim 5, Omi et al disclose (fig 3) the tool according to claim 4, wherein each gripper member (108, 109) that includes an electrode further comprises dielectric material which surrounding the electrode.

As to claim 6, Omi et al disclose (fig 3) the tool according to claim 1, wherein the actuator device (106, 107) includes at least two actuators for acting on at least one gripper member (108, 109) at least two distinct locations.

As to claim 15, Omi et al disclose (fig 3) the tool according to claim 1, wherein at least one gripper member (108, 109) includes a member for limiting flexing.

As to claim 16, Omi et al disclose (fig 3) the tool according to claim 15, wherein the member for limiting flexing is adjustable.

As to claim 17, Omi et al disclose (fig 3) the tool according to claim 11, wherein the at least one gripper member (108, 109) in which flexing can be induced includes a member for limiting flexing provided adjacent the groove.

As to claim 18, Omi et al disclose (fig 3) the tool according to claim 17, wherein the member (108, 109) for limiting flexing comprises a micrometer screw operating between regions of the plate that are situated on either side of the groove.

As to claim 19, Omi et al disclose (fig 3) the tool according to claim 1, wherein the two gripper members (108, 109) are mounted to pivot relative to each other, and wherein the actuator device (106, 107) acts at a distance from the pivot region.

As to claim 20, Omi et al disclose (fig 3) the tool according to claim 19, including a device for adjusting the spacing between the gripper members (108, 109) so as to enable united wafers (101) of different total thicknesses to be disunited.

As to claim 21, Omi et al disclose (fig 3) the tool according to claim 1, wherein the actuator device (106, 107) comprises one or more hydraulic actuators.

As to claim 22, Omi et al disclose (fig 3) the tool according to claim 1, further comprising a device for measuring forces exerted by at least one of the actuators or spacing between the wafers.

As to claim 23, Omi et al disclose (fig 3) an assembly for disuniting a plurality of pairs of united wafers in series, the assembly comprising a plurality of tools according to claim 1, and a common actuator device (106, 107) engager for jointly displacing at least one gripper member of each tool.

Allowable Subject Matter

4. Claims 7 – 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record are fail to disclose the combination of the base claims with the tool according to claim 1, wherein at least one gripper member comprises a body generally in the form of a plate **having different degrees of elastic deformability in at least two locations.**

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy Nguyen whose telephone number is 571-272-1965. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ramtez Nestor, can be reached on 571 -272 -1965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jimmy Nguyen

10/28/05


VINH NGUYEN
PRIMARY EXAMINER
A.U. 2829
10/31/05